



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1835

Introduced 2/25/2005, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-16	from Ch. 43, par. 131
235 ILCS 5/6-20	from Ch. 43, par. 134a
235 ILCS 5/6-33 new	
625 ILCS 5/6-106.1	from Ch. 95 1/2, par. 6-106.1
625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
625 ILCS 5/6-508	from Ch. 95 1/2, par. 6-508

Amends the Liquor Control Act of 1934. Prohibits the transfer of alcoholic liquor to persons under 21 years of age unless it is done in the home by a spouse or parent or guardian who is 21 years of age or older, by authorized culinary instructors in accredited colleges and universities, or in conjunction with a religious ceremony. Provides that a violation is a Class A misdemeanor and requires the Secretary of State to revoke the driving privileges of a violator. Provides that a knowing violation is a Class 4 felony if a death occurs as the result of the violation. Requires the Secretary of State to revoke the driving privileges of a minor who consumes or possesses alcoholic liquor. Amends the Illinois Vehicle Code to prohibit the issuance of a school bus driver permit to a violator, to require the Secretary of State to revoke the driver's license or permit of a violator, and to prohibit the issuance of a commercial driver's license with a school bus driver endorsement to a violator. Effective immediately.

LRB094 10872 LJB 41408 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 6-16 and 6-20 and by adding Section 6-33 as
6 follows:

7 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

8 Sec. 6-16. Prohibited sales and possession.

9 (a) (i) No licensee nor any officer, associate, member,
10 representative, agent, or employee of such licensee shall sell,
11 give, or deliver alcoholic liquor to any person under the age
12 of 21 years or to any intoxicated person, except as provided in
13 Section 6-16.1. (ii) No express company, common carrier, or
14 contract carrier nor any representative, agent, or employee on
15 behalf of an express company, common carrier, or contract
16 carrier that carries or transports alcoholic liquor for
17 delivery within this State shall knowingly give or knowingly
18 deliver to a residential address any shipping container clearly
19 labeled as containing alcoholic liquor and labeled as requiring
20 signature of an adult of at least 21 years of age to any person
21 in this State under the age of 21 years. An express company,
22 common carrier, or contract carrier that carries or transports
23 such alcoholic liquor for delivery within this State shall
24 obtain a signature at the time of delivery acknowledging
25 receipt of the alcoholic liquor by an adult who is at least 21
26 years of age. At no time while delivering alcoholic beverages
27 within this State may any representative, agent, or employee of
28 an express company, common carrier, or contract carrier that
29 carries or transports alcoholic liquor for delivery within this
30 State deliver the alcoholic liquor to a residential address
31 without the acknowledgment of the consignee and without first
32 obtaining a signature at the time of the delivery by an adult

1 who is at least 21 years of age. A signature of a person on file
2 with the express company, common carrier, or contract carrier
3 does not constitute acknowledgement of the consignee. Any
4 express company, common carrier, or contract carrier that
5 transports alcoholic liquor for delivery within this State that
6 violates this item (ii) of this subsection (a) by delivering
7 alcoholic liquor without the acknowledgement of the consignee
8 and without first obtaining a signature at the time of the
9 delivery by an adult who is at least 21 years of age is guilty
10 of a business offense for which the express company, common
11 carrier, or contract carrier that transports alcoholic liquor
12 within this State shall be fined not more than \$1,001 for a
13 first offense, not more than \$5,000 for a second offense, and
14 not more than \$10,000 for a third or subsequent offense. An
15 express company, common carrier, or contract carrier shall be
16 held vicariously liable for the actions of its representatives,
17 agents, or employees. For purposes of this Act, in addition to
18 other methods authorized by law, an express company, common
19 carrier, or contract carrier shall be considered served with
20 process when a representative, agent, or employee alleged to
21 have violated this Act is personally served. Each shipment of
22 alcoholic liquor delivered in violation of this item (ii) of
23 this subsection (a) constitutes a separate offense. ~~(iii) No~~
24 ~~person, after purchasing or otherwise obtaining alcoholic~~
25 ~~liquor, shall sell, give, or deliver such alcoholic liquor to~~
26 ~~another person under the age of 21 years, except in the~~
27 ~~performance of a religious ceremony or service.~~ Except as
28 otherwise provided in item (ii), any express company, common
29 carrier, or contract carrier that transports alcoholic liquor
30 within this State that violates the provisions of item (i) or
31 ~~(ii), or (iii)~~ of this paragraph of this subsection (a) is
32 guilty of a Class A misdemeanor and the sentence shall include,
33 but shall not be limited to, a fine of not less than \$500. ~~Any~~
34 ~~person who violates the provisions of item (iii) of this~~
35 ~~paragraph of this subsection (a) is guilty of a Class A~~
36 ~~misdemeanor and the sentence shall include, but shall not be~~

1 ~~limited to a fine of not less than \$500 for a first offense and~~
2 ~~not less than \$2,000 for a second or subsequent offense. Any~~
3 ~~person who knowingly violates the provisions of item (iii) of~~
4 ~~this paragraph of this subsection (a) is guilty of a Class 4~~
5 ~~felony if a death occurs as the result of the violation.~~

6 If a licensee or officer, associate, member,
7 representative, agent, or employee of the licensee, or a
8 representative, agent, or employee of an express company,
9 common carrier, or contract carrier that carries or transports
10 alcoholic liquor for delivery within this State, is prosecuted
11 under this paragraph of this subsection (a) for selling,
12 giving, or delivering alcoholic liquor to a person under the
13 age of 21 years, the person under 21 years of age who attempted
14 to buy or receive the alcoholic liquor may be prosecuted
15 pursuant to Section 6-20 of this Act, unless the person under
16 21 years of age was acting under the authority of a law
17 enforcement agency, the Illinois Liquor Control Commission, or
18 a local liquor control commissioner pursuant to a plan or
19 action to investigate, patrol, or conduct any similar
20 enforcement action.

21 For the purpose of preventing the violation of this
22 Section, any licensee, or his agent or employee, or a
23 representative, agent, or employee of an express company,
24 common carrier, or contract carrier that carries or transports
25 alcoholic liquor for delivery within this State, shall refuse
26 to sell, deliver, or serve alcoholic beverages to any person
27 who is unable to produce adequate written evidence of identity
28 and of the fact that he or she is over the age of 21 years, if
29 requested by the licensee, agent, employee, or representative.

30 Adequate written evidence of age and identity of the person
31 is a document issued by a federal, state, county, or municipal
32 government, or subdivision or agency thereof, including, but
33 not limited to, a motor vehicle operator's license, a
34 registration certificate issued under the Federal Selective
35 Service Act, or an identification card issued to a member of
36 the Armed Forces. Proof that the defendant-licensee, or his

1 employee or agent, or the representative, agent, or employee of
2 the express company, common carrier, or contract carrier that
3 carries or transports alcoholic liquor for delivery within this
4 State demanded, was shown and reasonably relied upon such
5 written evidence in any transaction forbidden by this Section
6 is an affirmative defense in any criminal prosecution therefor
7 or to any proceedings for the suspension or revocation of any
8 license based thereon. It shall not, however, be an affirmative
9 defense if the agent or employee accepted the written evidence
10 knowing it to be false or fraudulent. If a false or fraudulent
11 Illinois driver's license or Illinois identification card is
12 presented by a person less than 21 years of age to a licensee
13 or the licensee's agent or employee for the purpose of
14 ordering, purchasing, attempting to purchase, or otherwise
15 obtaining or attempting to obtain the serving of any alcoholic
16 beverage, the law enforcement officer or agency investigating
17 the incident shall, upon the conviction of the person who
18 presented the fraudulent license or identification, make a
19 report of the matter to the Secretary of State on a form
20 provided by the Secretary of State.

21 However, no agent or employee of the licensee or employee
22 of an express company, common carrier, or contract carrier that
23 carries or transports alcoholic liquor for delivery within this
24 State shall be disciplined or discharged for selling or
25 furnishing liquor to a person under 21 years of age if the
26 agent or employee demanded and was shown, before furnishing
27 liquor to a person under 21 years of age, adequate written
28 evidence of age and identity of the person issued by a federal,
29 state, county or municipal government, or subdivision or agency
30 thereof, including but not limited to a motor vehicle
31 operator's license, a registration certificate issued under
32 the Federal Selective Service Act, or an identification card
33 issued to a member of the Armed Forces. This paragraph,
34 however, shall not apply if the agent or employee accepted the
35 written evidence knowing it to be false or fraudulent.

36 Any person who sells, gives, or furnishes to any person

1 under the age of 21 years any false or fraudulent written,
2 printed, or photostatic evidence of the age and identity of
3 such person or who sells, gives or furnishes to any person
4 under the age of 21 years evidence of age and identification of
5 any other person is guilty of a Class A misdemeanor and the
6 person's sentence shall include, but shall not be limited to, a
7 fine of not less than \$500.

8 Any person under the age of 21 years who presents or offers
9 to any licensee, his agent or employee, any written, printed or
10 photostatic evidence of age and identity that is false,
11 fraudulent, or not actually his or her own for the purpose of
12 ordering, purchasing, attempting to purchase or otherwise
13 procuring or attempting to procure, the serving of any
14 alcoholic beverage, who falsely states in writing that he or
15 she is at least 21 years of age when receiving alcoholic liquor
16 from a representative, agent, or employee of an express
17 company, common carrier, or contract carrier, or who has in his
18 or her possession any false or fraudulent written, printed, or
19 photostatic evidence of age and identity, is guilty of a Class
20 A misdemeanor and the person's sentence shall include, but
21 shall not be limited to, the following: a fine of not less than
22 \$500 and at least 25 hours of community service. If possible,
23 any community service shall be performed for an alcohol abuse
24 prevention program.

25 Any person under the age of 21 years who has any alcoholic
26 beverage in his or her possession on any street or highway or
27 in any public place or in any place open to the public is
28 guilty of a Class A misdemeanor. This Section does not apply to
29 possession by a person under the age of 21 years making a
30 delivery of an alcoholic beverage in pursuance of the order of
31 his or her parent or in pursuance of his or her employment.

32 (a-1) It is unlawful for any parent or guardian to permit
33 his or her residence to be used by an invitee of the parent's
34 child or the guardian's ward, if the invitee is under the age
35 of 21, in a manner that constitutes a violation of this Section
36 or Section 6-33 of this Act. A parent or guardian is deemed to

1 have permitted his or her residence to be used in violation of
2 this Section if he or she knowingly authorizes, enables, or
3 permits such use to occur by failing to control access to
4 either the residence or the alcoholic liquor maintained in the
5 residence. Any person who violates this subsection (a-1) is
6 guilty of a Class A misdemeanor and the person's sentence shall
7 include, but shall not be limited to, a fine of not less than
8 \$500. Nothing in this subsection (a-1) shall be construed to
9 prohibit the giving of alcoholic liquor to a person under the
10 age of 21 years in the performance of a religious ceremony or
11 service or as authorized by Section 6-33 of this Act.

12 (b) Except as otherwise provided in this Section whoever
13 violates this Section shall, in addition to other penalties
14 provided for in this Act, be guilty of a Class A misdemeanor.

15 (c) Any person shall be guilty of a Class A misdemeanor
16 where he or she knowingly permits a gathering at a residence
17 which he or she occupies of two or more persons where any one
18 or more of the persons is under 21 years of age and the
19 following factors also apply:

20 (1) the person occupying the residence knows that any
21 such person under the age of 21 is in possession of or is
22 consuming any alcoholic beverage; and

23 (2) the possession or consumption of the alcohol by the
24 person under 21 is not otherwise permitted by this Act; and

25 (3) the person occupying the residence knows that the
26 person under the age of 21 leaves the residence in an
27 intoxicated condition.

28 For the purposes of this subsection (c) where the residence
29 has an owner and a tenant or lessee, there is a rebuttable
30 presumption that the residence is occupied only by the tenant
31 or lessee.

32 (d) Any person who rents a hotel or motel room from the
33 proprietor or agent thereof for the purpose of or with the
34 knowledge that such room shall be used for the consumption of
35 alcoholic liquor by persons under the age of 21 years shall be
36 guilty of a Class A misdemeanor.

1 (e) Except as otherwise provided in this Act, any person
2 who has alcoholic liquor in his or her possession on public
3 school district property on school days or at events on public
4 school district property when children are present is guilty of
5 a petty offense, unless the alcoholic liquor (i) is in the
6 original container with the seal unbroken and is in the
7 possession of a person who is not otherwise legally prohibited
8 from possessing the alcoholic liquor or (ii) is in the
9 possession of a person in or for the performance of a religious
10 service or ceremony authorized by the school board.

11 (Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02; 92-507,
12 eff. 1-1-02; 92-651, eff. 7-11-02; 92-687, eff. 1-1-03.)

13 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

14 Sec. 6-20. Any person to whom the sale, gift or delivery of
15 any alcoholic liquor is prohibited because of age shall not
16 purchase, or accept a gift of such alcoholic liquor or have
17 such alcoholic liquor in his possession.

18 If a licensee or his or her agents or employees believes or
19 has reason to believe that a sale or delivery of any alcoholic
20 liquor is prohibited because of the non-age of the prospective
21 recipient, he or she shall, before making such sale or delivery
22 demand presentation of some form of positive identification,
23 containing proof of age, issued by a public officer in the
24 performance of his or her official duties.

25 No person shall transfer, alter, or deface such an
26 identification card; use the identification card of another;
27 carry or use a false or forged identification card; or obtain
28 an identification card by means of false information. No person
29 shall purchase, accept delivery or have possession of alcoholic
30 liquor in violation of this Section. The consumption of
31 alcoholic liquor by any person under 21 years of age is
32 forbidden. Whoever violates any provisions of this Section
33 shall be guilty of a Class A misdemeanor. If a person is
34 convicted of a violation of this Section, the Secretary of
35 State shall revoke the person's driving privileges for a period

1 of one year for a first offense, for a period of 2 years for a
2 second offense, and for a period of 3 years for a third or
3 subsequent offense.

4 The possession and dispensing, or consumption by a person
5 under 21 years of age of alcoholic liquor as provided in
6 subsections (b) and (c) of Section 6-33 of this Act ~~in the~~
7 ~~performance of a religious service or ceremony, or the~~
8 ~~consumption by a person under 21 years of age under the direct~~
9 ~~supervision and approval of the parents or parent or those~~
10 ~~persons standing in loco parentis of such person under 21 years~~
11 ~~of age in the privacy of a home,~~ is not prohibited by this Act.

12 (Source: P.A. 90-432, eff. 1-1-98.)

13 (235 ILCS 5/6-33 new)

14 Sec. 6-33. Transfer of alcoholic liquor to minors.

15 (a) Any person who, after purchasing or otherwise obtaining
16 alcoholic liquor, sells, gives, or delivers for use as a
17 beverage any alcoholic liquor to any person under the age of 21
18 years is guilty of a Class A misdemeanor and the sentence shall
19 include, but not be limited to, a fine of not more than \$200.
20 However, any person who knowingly violates the provisions of
21 this Section is guilty of a Class 4 felony if a death occurs as
22 the result of the violation.

23 (b) The provisions of subsection (a) of this Section do not
24 apply to any of the following persons:

25 (1) to a spouse 21 years of age or older giving
26 alcoholic liquor to his or her spouse under the age of 21
27 years in their home;

28 (2) to a parent or guardian 21 years of age or older
29 giving alcoholic liquor to his or her children or wards
30 under the age of 21 years in their home; or

31 (3) to a person giving alcoholic liquor to another
32 person under the age of 21 years in conjunction with a
33 religious ceremony or purpose if the alcoholic liquor was
34 lawfully purchased.

35 (c) The provisions of subsection (a) of this Section do not

1 apply to a person who gives, serves, or permits to be served
2 any alcoholic liquor to a student under the age of 21 years if
3 all of the following conditions are met:

4 (1) the person is an authorized instructor of the
5 culinary arts of an accredited college or university, as
6 defined by the State Commission, and is 21 years of age or
7 older;

8 (2) the student is 18 years of age or older, is
9 enrolled in the accredited college or university, and is a
10 student in a culinary course, and the alcoholic liquor is
11 delivered as part of the student's required curriculum and
12 is used only for instructional purposes during classes
13 conducted pursuant to the curriculum;

14 (3) the student is required to taste, but not consume
15 or imbibe, the alcoholic liquor during classes conducted
16 under the supervision of the authorized instructor
17 pursuant to the curriculum;

18 (4) the alcoholic liquor is never offered solely for
19 consumption or imbibed by the student; and

20 (5) the alcoholic liquor at all times remains in the
21 possession and control of the authorized instructor,
22 except for uses authorized pursuant to this subsection (c).

23 (d) If a person is convicted of a violation of this
24 Section, the Secretary of State shall revoke the person's
25 driving privileges for a period of one year for a first
26 offense, for a period of 2 years for a second offense, and for
27 a period of 3 years for a third or subsequent offense.

28 Section 10. The Illinois Vehicle Code is amended by
29 changing Sections 6-106.1, 6-205, and 6-508 as follows:

30 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

31 Sec. 6-106.1. School bus driver permit.

32 (a) The Secretary of State shall issue a school bus driver
33 permit to those applicants who have met all the requirements of
34 the application and screening process under this Section to

1 insure the welfare and safety of children who are transported
2 on school buses throughout the State of Illinois. Applicants
3 shall obtain the proper application required by the Secretary
4 of State from their prospective or current employer and submit
5 the completed application to the prospective or current
6 employer along with the necessary fingerprint submission as
7 required by the Department of State Police to conduct
8 fingerprint based criminal background checks on current and
9 future information available in the state system and current
10 information available through the Federal Bureau of
11 Investigation's system. Applicants who have completed the
12 fingerprinting requirements shall not be subjected to the
13 fingerprinting process when applying for subsequent permits or
14 submitting proof of successful completion of the annual
15 refresher course. Individuals who on the effective date of this
16 Act possess a valid school bus driver permit that has been
17 previously issued by the appropriate Regional School
18 Superintendent are not subject to the fingerprinting
19 provisions of this Section as long as the permit remains valid
20 and does not lapse. The applicant shall be required to pay all
21 related application and fingerprinting fees as established by
22 rule including, but not limited to, the amounts established by
23 the Department of State Police and the Federal Bureau of
24 Investigation to process fingerprint based criminal background
25 investigations. All fees paid for fingerprint processing
26 services under this Section shall be deposited into the State
27 Police Services Fund for the cost incurred in processing the
28 fingerprint based criminal background investigations. All
29 other fees paid under this Section shall be deposited into the
30 Road Fund for the purpose of defraying the costs of the
31 Secretary of State in administering this Section. All
32 applicants must:

- 33 1. be 21 years of age or older;
- 34 2. possess a valid and properly classified driver's
35 license issued by the Secretary of State;
- 36 3. possess a valid driver's license, which has not been

1 revoked, suspended, or canceled for 3 years immediately
2 prior to the date of application, or have not had his or
3 her commercial motor vehicle driving privileges
4 disqualified within the 3 years immediately prior to the
5 date of application;

6 4. successfully pass a written test, administered by
7 the Secretary of State, on school bus operation, school bus
8 safety, and special traffic laws relating to school buses
9 and submit to a review of the applicant's driving habits by
10 the Secretary of State at the time the written test is
11 given;

12 5. demonstrate ability to exercise reasonable care in
13 the operation of school buses in accordance with rules
14 promulgated by the Secretary of State;

15 6. demonstrate physical fitness to operate school
16 buses by submitting the results of a medical examination,
17 including tests for drug use for each applicant not subject
18 to such testing pursuant to federal law, conducted by a
19 licensed physician, an advanced practice nurse who has a
20 written collaborative agreement with a collaborating
21 physician which authorizes him or her to perform medical
22 examinations, or a physician assistant who has been
23 delegated the performance of medical examinations by his or
24 her supervising physician within 90 days of the date of
25 application according to standards promulgated by the
26 Secretary of State;

27 7. affirm under penalties of perjury that he or she has
28 not made a false statement or knowingly concealed a
29 material fact in any application for permit;

30 8. have completed an initial classroom course,
31 including first aid procedures, in school bus driver safety
32 as promulgated by the Secretary of State; and after
33 satisfactory completion of said initial course an annual
34 refresher course; such courses and the agency or
35 organization conducting such courses shall be approved by
36 the Secretary of State; failure to complete the annual

1 refresher course, shall result in cancellation of the
2 permit until such course is completed;

3 9. not have been convicted of 2 or more serious traffic
4 offenses, as defined by rule, within one year prior to the
5 date of application that may endanger the life or safety of
6 any of the driver's passengers within the duration of the
7 permit period;

8 10. not have been convicted of reckless driving,
9 driving while intoxicated, or reckless homicide resulting
10 from the operation of a motor vehicle within 3 years of the
11 date of application;

12 11. not have been convicted of committing or attempting
13 to commit any one or more of the following offenses: (i)
14 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,
15 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,
16 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,
17 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
18 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
19 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,
20 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,
21 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,
22 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and
23 33A-2, and in subsection (a) and subsection (b), clause
24 (1), of Section 12-4 of the Criminal Code of 1961; (ii)
25 those offenses defined in the Cannabis Control Act except
26 those offenses defined in subsections (a) and (b) of
27 Section 4, and subsection (a) of Section 5 of the Cannabis
28 Control Act; (iii) those offenses defined in the Illinois
29 Controlled Substances Act; (iv) any offense committed or
30 attempted in any other state or against the laws of the
31 United States, which if committed or attempted in this
32 State would be punishable as one or more of the foregoing
33 offenses; (v) the offenses defined in Section 4.1 and 5.1
34 of the Wrongs to Children Act and (vi) those offenses
35 defined in Sections ~~Section~~ 6-16 and 6-33 of the Liquor
36 Control Act of 1934;

1 12. not have been repeatedly involved as a driver in
2 motor vehicle collisions or been repeatedly convicted of
3 offenses against laws and ordinances regulating the
4 movement of traffic, to a degree which indicates lack of
5 ability to exercise ordinary and reasonable care in the
6 safe operation of a motor vehicle or disrespect for the
7 traffic laws and the safety of other persons upon the
8 highway;

9 13. not have, through the unlawful operation of a motor
10 vehicle, caused an accident resulting in the death of any
11 person; and

12 14. not have, within the last 5 years, been adjudged to
13 be afflicted with or suffering from any mental disability
14 or disease.

15 (b) A school bus driver permit shall be valid for a period
16 specified by the Secretary of State as set forth by rule. It
17 shall be renewable upon compliance with subsection (a) of this
18 Section.

19 (c) A school bus driver permit shall contain the holder's
20 driver's license number, legal name, residence address, zip
21 code, social security number and date of birth, a brief
22 description of the holder and a space for signature. The
23 Secretary of State may require a suitable photograph of the
24 holder.

25 (d) The employer shall be responsible for conducting a
26 pre-employment interview with prospective school bus driver
27 candidates, distributing school bus driver applications and
28 medical forms to be completed by the applicant, and submitting
29 the applicant's fingerprint cards to the Department of State
30 Police that are required for the criminal background
31 investigations. The employer shall certify in writing to the
32 Secretary of State that all pre-employment conditions have been
33 successfully completed including the successful completion of
34 an Illinois specific criminal background investigation through
35 the Department of State Police and the submission of necessary
36 fingerprints to the Federal Bureau of Investigation for

1 criminal history information available through the Federal
2 Bureau of Investigation system. The applicant shall present the
3 certification to the Secretary of State at the time of
4 submitting the school bus driver permit application.

5 (e) Permits shall initially be provisional upon receiving
6 certification from the employer that all pre-employment
7 conditions have been successfully completed, and upon
8 successful completion of all training and examination
9 requirements for the classification of the vehicle to be
10 operated, the Secretary of State shall provisionally issue a
11 School Bus Driver Permit. The permit shall remain in a
12 provisional status pending the completion of the Federal Bureau
13 of Investigation's criminal background investigation based
14 upon fingerprinting specimens submitted to the Federal Bureau
15 of Investigation by the Department of State Police. The Federal
16 Bureau of Investigation shall report the findings directly to
17 the Secretary of State. The Secretary of State shall remove the
18 bus driver permit from provisional status upon the applicant's
19 successful completion of the Federal Bureau of Investigation's
20 criminal background investigation.

21 (f) A school bus driver permit holder shall notify the
22 employer and the Secretary of State if he or she is convicted
23 in another state of an offense that would make him or her
24 ineligible for a permit under subsection (a) of this Section.
25 The written notification shall be made within 5 days of the
26 entry of the conviction. Failure of the permit holder to
27 provide the notification is punishable as a petty offense for a
28 first violation and a Class B misdemeanor for a second or
29 subsequent violation.

30 (g) Cancellation; suspension; notice and procedure.

31 (1) The Secretary of State shall cancel a school bus
32 driver permit of an applicant whose criminal background
33 investigation discloses that he or she is not in compliance
34 with the provisions of subsection (a) of this Section.

35 (2) The Secretary of State shall cancel a school bus
36 driver permit when he or she receives notice that the

1 permit holder fails to comply with any provision of this
2 Section or any rule promulgated for the administration of
3 this Section.

4 (3) The Secretary of State shall cancel a school bus
5 driver permit if the permit holder's restricted commercial
6 or commercial driving privileges are withdrawn or
7 otherwise invalidated.

8 (4) The Secretary of State may not issue a school bus
9 driver permit for a period of 3 years to an applicant who
10 fails to obtain a negative result on a drug test as
11 required in item 6 of subsection (a) of this Section or
12 under federal law.

13 (5) The Secretary of State shall forthwith suspend a
14 school bus driver permit for a period of 3 years upon
15 receiving notice that the holder has failed to obtain a
16 negative result on a drug test as required in item 6 of
17 subsection (a) of this Section or under federal law.

18 The Secretary of State shall notify the State
19 Superintendent of Education and the permit holder's
20 prospective or current employer that the applicant has (1) has
21 failed a criminal background investigation or (2) is no longer
22 eligible for a school bus driver permit; and of the related
23 cancellation of the applicant's provisional school bus driver
24 permit. The cancellation shall remain in effect pending the
25 outcome of a hearing pursuant to Section 2-118 of this Code.
26 The scope of the hearing shall be limited to the issuance
27 criteria contained in subsection (a) of this Section. A
28 petition requesting a hearing shall be submitted to the
29 Secretary of State and shall contain the reason the individual
30 feels he or she is entitled to a school bus driver permit. The
31 permit holder's employer shall notify in writing to the
32 Secretary of State that the employer has certified the removal
33 of the offending school bus driver from service prior to the
34 start of that school bus driver's next workshift. An employing
35 school board that fails to remove the offending school bus
36 driver from service is subject to the penalties defined in

1 Section 3-14.23 of the School Code. A school bus contractor who
2 violates a provision of this Section is subject to the
3 penalties defined in Section 6-106.11.

4 All valid school bus driver permits issued under this
5 Section prior to January 1, 1995, shall remain effective until
6 their expiration date unless otherwise invalidated.

7 (Source: P.A. 92-703, eff. 7-19-02; 93-895, eff. 1-1-05.)

8 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

9 Sec. 6-205. Mandatory revocation of license or permit;
10 Hardship cases.

11 (a) Except as provided in this Section, the Secretary of
12 State shall immediately revoke the license, permit, or driving
13 privileges of any driver upon receiving a report of the
14 driver's conviction of any of the following offenses:

15 1. Reckless homicide resulting from the operation of a
16 motor vehicle;

17 2. Violation of Section 11-501 of this Code or a
18 similar provision of a local ordinance relating to the
19 offense of operating or being in physical control of a
20 vehicle while under the influence of alcohol, other drug or
21 drugs, intoxicating compound or compounds, or any
22 combination thereof;

23 3. Any felony under the laws of any State or the
24 federal government in the commission of which a motor
25 vehicle was used;

26 4. Violation of Section 11-401 of this Code relating to
27 the offense of leaving the scene of a traffic accident
28 involving death or personal injury;

29 5. Perjury or the making of a false affidavit or
30 statement under oath to the Secretary of State under this
31 Code or under any other law relating to the ownership or
32 operation of motor vehicles;

33 6. Conviction upon 3 charges of violation of Section
34 11-503 of this Code relating to the offense of reckless
35 driving committed within a period of 12 months;

1 7. Conviction of any offense defined in Section 4-102
2 of this Code;

3 8. Violation of Section 11-504 of this Code relating to
4 the offense of drag racing;

5 9. Violation of Chapters 8 and 9 of this Code;

6 10. Violation of Section 12-5 of the Criminal Code of
7 1961 arising from the use of a motor vehicle;

8 11. Violation of Section 11-204.1 of this Code relating
9 to aggravated fleeing or attempting to elude a peace
10 officer;

11 12. Violation of paragraph (1) of subsection (b) of
12 Section 6-507, or a similar law of any other state,
13 relating to the unlawful operation of a commercial motor
14 vehicle;

15 13. Violation of paragraph (a) of Section 11-502 of
16 this Code or a similar provision of a local ordinance if
17 the driver has been previously convicted of a violation of
18 that Section or a similar provision of a local ordinance
19 and the driver was less than 21 years of age at the time of
20 the offense.

21 14. Violation of Section 6-33 of the Liquor Control Act
22 of 1934.

23 (b) The Secretary of State shall also immediately revoke
24 the license or permit of any driver in the following
25 situations:

26 1. Of any minor upon receiving the notice provided for
27 in Section 5-901 of the Juvenile Court Act of 1987 that the
28 minor has been adjudicated under that Act as having
29 committed an offense relating to motor vehicles prescribed
30 in Section 4-103 of this Code;

31 2. Of any person when any other law of this State
32 requires either the revocation or suspension of a license
33 or permit.

34 (c) Whenever a person is convicted of any of the offenses
35 enumerated in this Section, the court may recommend and the
36 Secretary of State in his discretion, without regard to whether

1 the recommendation is made by the court may, upon application,
2 issue to the person a restricted driving permit granting the
3 privilege of driving a motor vehicle between the petitioner's
4 residence and petitioner's place of employment or within the
5 scope of the petitioner's employment related duties, or to
6 allow transportation for the petitioner or a household member
7 of the petitioner's family for the receipt of necessary medical
8 care or, if the professional evaluation indicates, provide
9 transportation for the petitioner for alcohol remedial or
10 rehabilitative activity, or for the petitioner to attend
11 classes, as a student, in an accredited educational
12 institution; if the petitioner is able to demonstrate that no
13 alternative means of transportation is reasonably available
14 and the petitioner will not endanger the public safety or
15 welfare; provided that the Secretary's discretion shall be
16 limited to cases where undue hardship would result from a
17 failure to issue the restricted driving permit.

18 If a person's license or permit has been revoked or
19 suspended due to 2 or more convictions of violating Section
20 11-501 of this Code or a similar provision of a local ordinance
21 or a similar out-of-state offense, arising out of separate
22 occurrences, that person, if issued a restricted driving
23 permit, may not operate a vehicle unless it has been equipped
24 with an ignition interlock device as defined in Section
25 1-129.1.

26 If a person's license or permit has been revoked or
27 suspended 2 or more times within a 10 year period due to a
28 single conviction of violating Section 11-501 of this Code or a
29 similar provision of a local ordinance or a similar
30 out-of-state offense, and a statutory summary suspension under
31 Section 11-501.1, or 2 or more statutory summary suspensions,
32 or combination of 2 offenses, or of an offense and a statutory
33 summary suspension, arising out of separate occurrences, that
34 person, if issued a restricted driving permit, may not operate
35 a vehicle unless it has been equipped with an ignition
36 interlock device as defined in Section 1-129.1. The person must

1 pay to the Secretary of State DUI Administration Fund an amount
2 not to exceed \$20 per month. The Secretary shall establish by
3 rule the amount and the procedures, terms, and conditions
4 relating to these fees. If the restricted driving permit was
5 issued for employment purposes, then this provision does not
6 apply to the operation of an occupational vehicle owned or
7 leased by that person's employer. In each case the Secretary of
8 State may issue a restricted driving permit for a period he
9 deems appropriate, except that the permit shall expire within
10 one year from the date of issuance. The Secretary may not,
11 however, issue a restricted driving permit to any person whose
12 current revocation is the result of a second or subsequent
13 conviction for a violation of Section 11-501 of this Code or a
14 similar provision of a local ordinance relating to the offense
15 of operating or being in physical control of a motor vehicle
16 while under the influence of alcohol, other drug or drugs,
17 intoxicating compound or compounds, or any similar
18 out-of-state offense, or any combination thereof, until the
19 expiration of at least one year from the date of the
20 revocation. A restricted driving permit issued under this
21 Section shall be subject to cancellation, revocation, and
22 suspension by the Secretary of State in like manner and for
23 like cause as a driver's license issued under this Code may be
24 cancelled, revoked, or suspended; except that a conviction upon
25 one or more offenses against laws or ordinances regulating the
26 movement of traffic shall be deemed sufficient cause for the
27 revocation, suspension, or cancellation of a restricted
28 driving permit. The Secretary of State may, as a condition to
29 the issuance of a restricted driving permit, require the
30 applicant to participate in a designated driver remedial or
31 rehabilitative program. The Secretary of State is authorized to
32 cancel a restricted driving permit if the permit holder does
33 not successfully complete the program. However, if an
34 individual's driving privileges have been revoked in
35 accordance with paragraph 13 of subsection (a) of this Section,
36 no restricted driving permit shall be issued until the

1 individual has served 6 months of the revocation period.

2 (d) Whenever a person under the age of 21 is convicted
3 under Section 11-501 of this Code or a similar provision of a
4 local ordinance, the Secretary of State shall revoke the
5 driving privileges of that person. One year after the date of
6 revocation, and upon application, the Secretary of State may,
7 if satisfied that the person applying will not endanger the
8 public safety or welfare, issue a restricted driving permit
9 granting the privilege of driving a motor vehicle only between
10 the hours of 5 a.m. and 9 p.m. or as otherwise provided by this
11 Section for a period of one year. After this one year period,
12 and upon reapplication for a license as provided in Section
13 6-106, upon payment of the appropriate reinstatement fee
14 provided under paragraph (b) of Section 6-118, the Secretary of
15 State, in his discretion, may issue the applicant a license, or
16 extend the restricted driving permit as many times as the
17 Secretary of State deems appropriate, by additional periods of
18 not more than 12 months each, until the applicant attains 21
19 years of age.

20 If a person's license or permit has been revoked or
21 suspended due to 2 or more convictions of violating Section
22 11-501 of this Code or a similar provision of a local ordinance
23 or a similar out-of-state offense, arising out of separate
24 occurrences, that person, if issued a restricted driving
25 permit, may not operate a vehicle unless it has been equipped
26 with an ignition interlock device as defined in Section
27 1-129.1.

28 If a person's license or permit has been revoked or
29 suspended 2 or more times within a 10 year period due to a
30 single conviction of violating Section 11-501 of this Code or a
31 similar provision of a local ordinance or a similar
32 out-of-state offense, and a statutory summary suspension under
33 Section 11-501.1, or 2 or more statutory summary suspensions,
34 or combination of 2 offenses, or of an offense and a statutory
35 summary suspension, arising out of separate occurrences, that
36 person, if issued a restricted driving permit, may not operate

1 a vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1. The person must
3 pay to the Secretary of State DUI Administration Fund an amount
4 not to exceed \$20 per month. The Secretary shall establish by
5 rule the amount and the procedures, terms, and conditions
6 relating to these fees. If the restricted driving permit was
7 issued for employment purposes, then this provision does not
8 apply to the operation of an occupational vehicle owned or
9 leased by that person's employer. A restricted driving permit
10 issued under this Section shall be subject to cancellation,
11 revocation, and suspension by the Secretary of State in like
12 manner and for like cause as a driver's license issued under
13 this Code may be cancelled, revoked, or suspended; except that
14 a conviction upon one or more offenses against laws or
15 ordinances regulating the movement of traffic shall be deemed
16 sufficient cause for the revocation, suspension, or
17 cancellation of a restricted driving permit. The revocation
18 periods contained in this subparagraph shall apply to similar
19 out-of-state convictions.

20 (e) This Section is subject to the provisions of the Driver
21 License Compact.

22 (f) Any revocation imposed upon any person under
23 subsections 2 and 3 of paragraph (b) that is in effect on
24 December 31, 1988 shall be converted to a suspension for a like
25 period of time.

26 (g) The Secretary of State shall not issue a restricted
27 driving permit to a person under the age of 16 years whose
28 driving privileges have been revoked under any provisions of
29 this Code.

30 (h) The Secretary of State shall require the use of
31 ignition interlock devices on all vehicles owned by an
32 individual who has been convicted of a second or subsequent
33 offense under Section 11-501 of this Code or a similar
34 provision of a local ordinance. The Secretary shall establish
35 by rule and regulation the procedures for certification and use
36 of the interlock system.

1 (i) The Secretary of State may not issue a restricted
2 driving permit for a period of one year after a second or
3 subsequent revocation of driving privileges under clause
4 (a)(2) of this Section; however, one year after the date of a
5 second or subsequent revocation of driving privileges under
6 clause (a)(2) of this Section, the Secretary of State may, upon
7 application, issue a restricted driving permit under the terms
8 and conditions of subsection (c).

9 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
10 92-651, eff. 7-11-02; 92-834, eff. 8-22-02; 93-120, eff.
11 1-1-04.)

12 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

13 Sec. 6-508. Commercial Driver's License (CDL) -
14 qualification standards.

15 (a) Testing.

16 (1) General. No person shall be issued an original or
17 renewal CDL unless that person is domiciled in this State.
18 The Secretary shall cause to be administered such tests as
19 the Secretary deems necessary to meet the requirements of
20 49 C.F.R. Part 383, subparts G and H.

21 (2) Third party testing. The Secretary of state may
22 authorize a "third party tester", pursuant to 49 C.F.R.
23 Part 383.75, to administer the skills test or tests
24 specified by Federal Highway Administration pursuant to
25 the Commercial Motor Vehicle Safety Act of 1986 and any
26 appropriate federal rule.

27 (b) Waiver of Skills Test. The Secretary of State may waive
28 the skills test specified in this Section for a commercial
29 driver license applicant who meets the requirements of 49
30 C.F.R. Part 383.77.

31 (c) Limitations on issuance of a CDL. A CDL, or a
32 commercial driver instruction permit, shall not be issued to a
33 person while the person is subject to a disqualification from
34 driving a commercial motor vehicle, or unless otherwise
35 permitted by this Code, while the person's driver's license is

1 suspended, revoked or cancelled in any state, or any territory
2 or province of Canada; nor may a CDL be issued to a person who
3 has a CDL issued by any other state, or foreign jurisdiction,
4 unless the person first surrenders all such licenses. No CDL
5 shall be issued to or renewed for a person who does not meet
6 the requirement of 49 CFR 391.41(b)(11). The requirement may be
7 met with the aid of a hearing aid.

8 (c-1) The Secretary may issue a CDL with a school bus
9 driver endorsement to allow a person to drive the type of bus
10 described in subsection (d-5) of Section 6-104 of this Code.
11 The CDL with a school bus driver endorsement may be issued only
12 to a person meeting the following requirements:

13 (1) the person has submitted his or her fingerprints to
14 the Department of State Police in the form and manner
15 prescribed by the Department of State Police. These
16 fingerprints shall be checked against the fingerprint
17 records now and hereafter filed in the Department of State
18 Police and Federal Bureau of Investigation criminal
19 history records databases ~~for fingerprint based criminal~~
20 ~~background checks on current and future information~~
21 ~~available in the state system and current information~~
22 ~~available through the Federal Bureau of Investigation's~~
23 ~~system;~~

24 (2) the person has passed a written test, administered
25 by the Secretary of State, on charter bus operation,
26 charter bus safety, and certain special traffic laws
27 relating to school buses determined by the Secretary of
28 State to be relevant to charter buses, and submitted to a
29 review of the applicant's driving habits by the Secretary
30 of State at the time the written test is given;

31 (3) the person has demonstrated physical fitness to
32 operate school buses by submitting the results of a medical
33 examination, including tests for drug use; and

34 (4) the person has not been convicted of committing or
35 attempting to commit any one or more of the following
36 offenses: (i) those offenses defined in Sections 9-1,

1 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
2 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
3 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
4 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
5 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,
6 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
7 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,
8 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,
9 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and
10 subsection (b), clause (1), of Section 12-4 of the Criminal
11 Code of 1961; (ii) those offenses defined in the Cannabis
12 Control Act except those offenses defined in subsections
13 (a) and (b) of Section 4, and subsection (a) of Section 5
14 of the Cannabis Control Act; (iii) those offenses defined
15 in the Illinois Controlled Substances Act; (iv) any offense
16 committed or attempted in any other state or against the
17 laws of the United States, which if committed or attempted
18 in this State would be punishable as one or more of the
19 foregoing offenses; (v) the offenses defined in Sections
20 4.1 and 5.1 of the Wrongs to Children Act and (vi) those
21 offenses defined in Sections ~~Section~~ 6-16 and 6-33 of the
22 Liquor Control Act of 1934.

23 The Department of State Police shall charge a fee for
24 conducting the criminal history records check, which shall be
25 deposited into the State Police Services Fund and may not
26 exceed the actual cost of the records check.

27 (d) Commercial driver instruction permit. A commercial
28 driver instruction permit may be issued to any person holding a
29 valid Illinois driver's license if such person successfully
30 passes such tests as the Secretary determines to be necessary.
31 A commercial driver instruction permit shall not be issued to a
32 person who does not meet the requirements of 49 CFR 391.41
33 (b)(11), except for the renewal of a commercial driver
34 instruction permit for a person who possesses a commercial
35 instruction permit prior to the effective date of this
36 amendatory Act of 1999.

1 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised
2 11-29-04.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.